



**Nelson Kinder + Mosseau PC**  
ATTORNEYS AT LAW

E. Tupper Kinder, Esquire  
Manchester Office  
Direct Dial: 603-606-5002  
Email: [ekinder@nkmlawyers.com](mailto:ekinder@nkmlawyers.com)

July 10, 2013

John McKeown, OSC  
US Environmental Protection Agency  
Emergency Response & Removal Section 1 (OSRR02-2)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Tina Hennessy, EC  
US Environmental Protection Agency  
Emergency Response & Removal Section 1 (OSRR02-2)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

John Hultgren, Enforcement Counsel  
US Environmental Protection Agency  
Office of Environmental Stewardship (OES04-2)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**Re: Notice to Potentially Interested Parties and Invitation to Perform or Finance Proposed  
Cleanup Activities – New Hampshire Dioxane Site, Atkinson, New Hampshire  
Letter dated June 18, 2013**

Dear Mr. McKeown, Ms. Hennessy and Mr. Hultgren:

This office represents Southern NH Commons, LLC, Industrial Village, LLC, and Tetler & Co. NH, LLC with regard to its property on Route 111 in Hampstead, New Hampshire. Please include this office on any notices to these property owners regarding this site.

Please be advised that Southern NH Commons, LLC, Industrial Village, LLC, and Tetler & Co. NH, LLC do not believe that they are responsible for contamination conditions at the property or in the vicinity of the property where EPA is undertaking to construct a water line extension of the Hampstead Area Water Company. These companies have not caused or contributed to contamination at the site. Accordingly, these companies are not in a position to undertake or assist with the outline of site response activities contained in your letter of June 18, 2013. Nevertheless, please be advised that these companies do wish to cooperate with the Response Action in providing access or other similar activities referenced in the 2002 Superfund Small Business Liability Relief and Brownfields Revitalization Act document referenced in your letter. We look forward to future communications with EPA regarding activities with which these companies may be able to cooperate.

We assume that you are aware that the history of the contamination of the site and adjacent properties which is generally available from files at the NHDES offices. Prior to the time that my clients acquired the property in 2006, the property was owned and operated by Johnson & Johnson Associates, Inc. ("JJA") beginning in 1984. According to the site history as we now understand it, JJA operations at the site began in January of 1984. At that time, JJA manufactured laminated aluminum/copper sheets for the electronics industry and used TCA and TCE for degreasing purposes. We are unaware of JJA's procedures for handling TCA and TCE during its operations at the site. However, it is documented that an incident occurred in June of 1987 when a pipe broke in the cooling jacket of the vapor degreaser. It is unclear whether a release occurred at that time but General Chemical, Inc. of Framingham, Massachusetts responded to the incident. In October of 1989, a release of TCA characterized as "15 to 20 gallons" occurred at the site apparently due to actions of Service Chemical, Inc. NHDES was notified and the file indicates that some cleanup occurred. In January of 1990, a fire occurred at the site. It is unclear whether a release of TCA/TCE occurred at this time but the Hampstead/Atkinson Fire Department responded to the site. During their ownership, JJA retained several different environmental consulting firms whose activities may have caused or contributed to conditions at the site.

To our knowledge, JJA continued to operate at the site until approximately 2003 and up to that time conducted investigation and cleanup activities as directed by NHDES to the satisfaction of the agency. It is our understanding that JJA was acquired by Gould Electronics sometime prior to 2003, which continued to operate at the site. After 2003, we understand that the owner of the property was known as Di-John Realty, the principal of which we believe was John Johnson. We believe that Di-John Realty continued to respond to requests by NHDES with respect to the contamination at the site including monitoring and annual reporting. On or about 2005, the property was transferred from Di-John Realty Company to Brooks Properties, Inc. Brooks Properties continued to respond to the requests of NHDES with respect to monitoring and reporting on conditions at the site.

The current owners acquired the property in 2006. In 2006, at the time they acquired the property, it appeared that conditions at the site would not require any additional investigation or response, other than the ongoing monitoring activity, or that the releases which occurred during JJA's activities had caused any contamination to migrate offsite.

In summary, Southern NH Commons, LLC, Industrial Village, LLC, and Tetler & Co. NH, LLC are not aware of any causal relationship between conditions existing on their property and those conditions which form the basis of EPA's conclusion that response activities should be undertaken. The companies do know that no hazardous substances have been released on the property since they acquired the property in 2006. If there is a relationship between releases which occurred prior to 2006 and the need for response activities, then responsibility for the costs of response activities should be borne by those responsible for the releases. To our knowledge, that may include, but not be limited to, Johnson & Johnson Associates, Inc., General Chemical, Inc., Service Chemical, Inc., Di-John Realty, Inc., Brooks Properties, Inc., John Johnson and perhaps others.



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Page 3

In conclusion, Southern NH Commons, LLC, Industrial Village, LLC, and Tetler & Co. NH, LLC look forward to cooperating with EPA as it proceeds with response activities in the nature of providing access and other cooperation as identified in 2002 Superfund Small Business Liability Relief and Brownfields Revitalization Act. Please feel free to contact should have any questions regarding any of the above.

We look forward to further communications on this matter.

Very truly yours,



E. Tupper Kinder, Esquire

ETK/smf

Cc: Southern NH Commons, LLC  
Tetler & Co. NH, LLC  
Industrial Village, LLC  
Windfield Alloy, Inc.  
Dave Bowen, NHDES  
Laura Chan, Contracts Management – OSRR01-5  
Patti Ludwig, EPA CERCLIS Coordinator – OSRR01-5  
EPA Records Center – OSRR01-5  
Stanley D. Chin, Acting Chief

